



Commonwealth of Massachusetts

**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Timothy P. Murray, Lt. Governor ♦ Tina Brooks, Undersecretary

RELOCATION ASSISTANCE

TO HOME OWNER-OCCUPANTS

DISPLACED FROM THEIR

DWELLINGS

UNDER M.G.L. CHAPTER 79A

Bureau of Relocation
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Boston, MA 02114
www.mass.gov/dhcd

Introduction

This Guide describes the relocation payments and other relocation assistance provided under Massachusetts General Laws Chapter 79A Relocation Assistance Act (c79A), and the Massachusetts Regulation, 760 CMR 27.00, to eligible homeowner occupants displaced from their dwellings (collectively Displacee) as a result of a real estate acquisition by a state, local or private entity (collectively Displacing Entity) using state or local funds for a project. This also includes any such occupant who moves from real property, or moves personal property, or is issued a notice to vacate for purposes of rehabilitation, demolition or other improvement.

The Bureau of Relocation (BOR), in the Department of Housing and Community Development (DHCD), is the State Agency responsible for ensuring that Displacing Entities provide relocation assistance and payments to eligible persons under c79A. This Guide has been prepared by the BOR.

To be eligible for the assistance described in this Guide, you must have owned and occupied your dwelling for at least 180 days before the Displacing Entity offered to buy it. If you have owned and occupied your dwelling for less than 180 days but for 90 days or more before the Displacing Entity offered to buy it, you should refer to the Guide “Relocation Assistance to Tenants Displaced From Their Dwellings” for a summary of relocation assistance and payments for which you may be eligible. If you have owned and occupied your dwelling for less than 90 days, you may still be eligible for relocation assistance. Contact the Displacing Entity for additional information.

If you are notified by a Displacing Entity that you will be displaced, it is important that you **DO NOT MOVE BEFORE** you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

Each Displacee will be contacted and interviewed by the Displacing Entity. During the meeting, the Displacee should inform the Displacing Entity of all relocation needs for a replacement dwelling.

Displacees are allowed to continue to occupy the acquired property for a minimum of four (4) months after receiving a Notice to Vacate from the Displacing Entity.

If you have additional questions about your relocation, contact the Bureau of Relocation, at (617) 573-1408.

Please visit the DHCD/Division of Community Services website (click on the Bureau of Relocation link) for additional information: **www.mass.gov/dhcd**.

Summary of Relocation Assistance

As an eligible Displacee, you will be offered the following assistance:

Advisory Services. This includes referrals to comparable replacement housing, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move on you.

Payment for Moving Expenses. You must choose one of the following:

- Payment for Your Actual Reasonable Moving and Related Expenses
- A Fixed Moving Payment
- A combination of both, based on circumstances

Replacement Housing Payment. To enable you to buy or rent a comparable replacement dwelling, you may choose either:

- Purchase Assistance
- Rental Assistance

If you disagree with the Displacing Entity's decision regarding your eligibility, you may appeal that decision.

Frequently Asked Questions

How will I know if I am eligible for relocation assistance?

You should receive a written notice explaining your eligibility for relocation assistance. You will become eligible for relocation assistance on the date you receive the Displacing Entity's written Offer of Just Compensation to purchase your home. *You should not move before receiving that purchase offer.* If you do, you may not receive relocation assistance.

How will the Displacing Entity know how much help I need?

You will be contacted at an early date and personally interviewed by the Displacing Entity to determine your relocation needs and preferences for replacement housing and advisory services. You will be asked questions about you and other members of your household, including questions about your income. It is to your advantage to provide the information so the Displacing Entity can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How soon will I have to move?

To the extent possible, a mutually agreeable date for the move will be worked out. You will be given sufficient time to make plans for moving. Unless there is a health or safety emergency, you will not be required to move without a minimum of four (4) months advance written notice of: (1) at least one "comparable replacement" dwelling that is available to you; and (2) the earliest date by which you must move.

What is a comparable replacement dwelling?

A comparable replacement dwelling is:

- Decent, safe, and sanitary.
- Functionally equivalent to your present dwelling.
- Actually available for you to buy.
- Affordable.
- Reasonably accessible to your place of employment.
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present dwelling.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

What is decent, safe, and sanitary housing?

Decent, safe, and sanitary housing is housing that:

- Meets local housing and occupancy requirements or standards.

Additionally, it is housing that:

- Is structurally sound, weather tight, and in good repair.
- Contains a safe, adequate electrical wiring system.
- Has adequate living space for the occupants.
- Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator.
- Has a separate, complete bathroom with hot and cold running water and sewerage system.
- Has heating as required by climatic conditions.
- Has an unobstructed exit to safe, open space at ground level.
- Is free of any barriers that would preclude reasonable use of the unit for a person with a physical disability.

Will the Displacing Entity help me find a replacement dwelling?

Yes. You will be provided with referrals to comparable replacement dwellings. If possible, you will be referred to at least three (3) comparable replacement dwellings. The maximum financial assistance for which you may qualify will be based on the cost of the most representative comparable replacement dwelling currently available on the real estate market.

When the Displacing Entity gives you its initial written purchase offer for your property, it will typically inform you at that time, or shortly thereafter, of your eligibility for relocation assistance, identifying the most comparable replacement dwelling and explain the maximum amount of relocation assistance available to you.

Once the Displacing Entity has a clear understanding of your needs and preferences, it will work with you to assure that you are given the best possible choice of housing and offer you transportation to inspect the comparable replacement dwellings.

If there is a mortgage on your present dwelling, the Displacing Entity will refer you to lenders who can provide mortgage financing for your new dwelling. If the money paid for your old dwelling is applied to the purchase of your new dwelling, there should not be any increase in the number or amount of your monthly payments for mortgage interest and principal.

What if I find my own replacement dwelling?

You have every right to find your own replacement dwelling. However, before you buy or rent, ask the Displacing Entity to inspect the unit to make sure that it is decent, safe, and sanitary. If the dwelling unit is not determined by the Displacing Entity to be decent, safe, and sanitary, you will not receive a replacement housing payment.

What if I encounter a problem in obtaining housing of my choice?

If you encounter a problem in buying or renting housing of your choice, notify the Displacing Entity immediately. The Displacing Entity will look into the matter and try to resolve it. You will receive this help whether you were referred to a dwelling unit or found one yourself.

If you are unable to buy or rent a dwelling because of discriminatory practices on the part of a real estate broker, rental agent, lender, or a property owner, the Displacing Entity will help you file a formal housing discrimination complaint with the appropriate state or federal local fair housing agency.

What other services will I receive?

In addition to help in obtaining a comparable replacement home, other assistance, as necessary, will be provided in order to minimize the disruption of your move. This assistance may include referral to appropriate public and/or private agencies that provide services concerning housing financing, employment, health, transitional (welfare), or legal assistance. The range of services depends on the needs of the person being displaced. You should ask the Displacing Entity to tell you about the specific services that will be available to help you and your household with your move and relocation.

What is a payment for Actual Reasonable Moving and Related Expenses?

You are entitled to a relocation payment to cover the actual reasonable cost of your move. If you choose a Payment For Actual Reasonable Moving and Related Expenses, you may include in your claim the reasonable costs for:

- Packing, moving and unpacking your household goods.
- Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
- Storage of household goods, as may be necessary.
- Insurance for the replacement value of your property during the move (but not through your neglect) if insurance is not reasonably available.

The Displacing Entity will explain all eligible and ineligible moving costs. You must be able to account for any costs that you incur, so keep all your receipts. Select your mover with care. The Displacing Entity can help you select a reliable and reputable mover.

You may elect to pay your moving costs yourself and be reimbursed by the Displacing Entity. If you prefer, you may have the Displacing Entity pay the mover directly. In either case, let the Displacing Entity know your decision before you move.

What Is A Fixed Moving Payment?

If you choose a Fixed Moving Payment, you will receive a payment based on the number of rooms of furniture you will be moving, as shown on the Fixed Residential Moving

Cost Schedule. The Displacing Entity has a copy of the schedule and will help you decide whether choosing this payment is in your best interest.

If you do not have an unusually large amount of personal property to move and/or are capable of moving yourself, this payment may be more advantageous to you. No special documentation is required to support your claim. You need only move your personal property and complete the appropriate claim form in order to receive your payment.

I want to buy another dwelling. How much Purchase Assistance will I receive?

To help you buy a comparable replacement dwelling, you will receive Purchase Assistance equal to the sum of the following three costs.

- Purchase Price Differential. If the cost of a replacement dwelling exceeds the amount the Displacing Entity pays for your present dwelling, you may be eligible for a payment to cover the difference. The Displacing Entity will inform you in writing of the location and cost of comparable replacement dwelling (and explain the basis of its determination) so that you will know in advance how much assistance you may receive. That information should help you decide how much you may be able to afford or how much you will have available to pay for replacement dwelling.

You are free to purchase any decent, safe and sanitary housing unit of your choice. If the purchase price is less than the cost of a comparable replacement dwelling, the payment will be limited to the actual difference. If it exceeds the cost of a comparable replacement dwelling, the payment will be based on the cost of a comparable dwelling.

Examples: The Displacing Entity pays \$120,000 to acquire your dwelling and that a comparable replacement dwelling costs \$130,000.

If you pay \$129,000 for a replacement dwelling, you would receive a \$9,000 differential payment (the difference between the Displacing Entity's payment for the acquisition of your dwelling and the cost of your replacement home).

If you pay \$132,000 for the replacement dwelling, you would receive a \$10,000 differential payment (the difference between the Displacing Entity's acquisition payment and the cost of the comparable replacement dwelling).

- Mortgage Interest Differential Payment. This amount covers the "present value" of the additional costs required to finance the purchase of a replacement dwelling that results if the interest rate you must pay for a new mortgage is higher than the interest rate on the mortgage on your present dwelling. It also covers other debt service costs. The payment is based on the lesser of: the mortgage balance on your present dwelling; or your new mortgage amount. To be eligible, the mortgage on your dwelling must have been a valid lien for at least 180 days before the Displacing Agency's initial written purchase offer for your dwelling.

You should provide the Displacing Entity with a copy of your mortgage(s) as soon as possible. Based on that information and the prevailing terms and conditions of new mortgage financing, the Displacing Entity will compute the approximate mortgage interest differential payment for which you will be eligible, inform you of that amount and explain the conditions on which it is based. The payment will be made available with the purchase price differential in a timely manner to reduce the amount you must borrow to buy your new home.

- **Incidental Expenses.** This amount covers those extra costs typically charged when one buys real property, such as the cost of preparing the deed and recording fees; the cost of title insurance, revenue stamps and transfer taxes (not to exceed the cost for comparable replacement housing); loan application, loan origination and appraisal fees; the cost of a credit report; and other costs such as certification of structural soundness, home inspection and termite inspection. It does not cover prepaid expenses, such as property taxes and insurance.

Remember, your total replacement housing payment is the sum of the purchase price differential, mortgage interest differential, and incidental expenses.

To qualify for the payment, you must purchase and occupy a decent, safe and sanitary replacement dwelling within one year after the later of: the date you move; or the date you receive the final payment for the acquisition of your present dwelling. However, the Displacing Entity will extend this period for good cause.

If I decide to rent, rather than buy, another dwelling, how much assistance will I receive?

If you decide to rent rather than buy a replacement dwelling, you may be eligible to receive Rental Assistance. The assistance covers a 42-month period and is computed in the following manner:

The assistance needed for one month is determined by subtracting the “market rent” (including utilities) for your present dwelling from the cost of rent and utilities for your new dwelling (or a comparable replacement dwelling, if that cost is lower). That monthly assistance needed, if any, is multiplied by 42 to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments.

Examples: The monthly “market rent” and average cost for utilities for your present dwelling are \$250 and the monthly rent and estimated average utility costs for a comparable replacement dwelling are \$350.

- If you rent a replacement dwelling for \$360 per month, including estimated utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference

between the market rent for your present dwelling (\$250) and the cost for a comparable replacement dwelling (\$350)).

- If you rent a replacement dwelling for \$310, including estimated average monthly utility charges, you will receive \$2,520. That amount is 42 times \$60 (the difference between the “base monthly rent” for your present dwelling (\$250) and the actual cost of your new dwelling (\$310)).

To qualify for rental assistance, you must rent and occupy a decent, safe, and sanitary dwelling within one year after the later of: the date you move; or the date you receive the final payment for the acquisition of your present dwelling. However, the Displacing Entity will extend this period for good cause. The amount of rental assistance cannot exceed the computed purchase price differential.

Must I file a claim to obtain a relocation payment?

Yes. You must file a claim for each relocation payment. The Displacing Entity will provide you with the required claim forms, help you to complete them, and explain the type of documentation, if any, that you must submit in order to receive your relocation payment.

If you must pay any relocation expenses before you move (e.g., a deposit when you contract for the purchase of a new dwelling), discuss your financial needs with the Displacing Entity. You may be able to obtain an advance payment to meet these costs.

You must file your claim within 18 months after the date you move or receive the final payment for the acquisition of your present dwelling. However, the sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, ask the Displacing Entity to extend this period.

Be careful not to confuse this 18-month period with the 12-month period within which you must buy or rent and occupy a replacement dwelling in order to be eligible for a replacement housing payment.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified of the problem and the action you should take to resolve the matter.

What if I don't receive the required assistance. Can I appeal?

If you disagree with the Displacing Entity's decision as to your right to relocation assistance, the amount of a payment or the adequacy of the housing to which you have been referred, you may appeal the decision to the Displacing Entity.

The Displacing Entity will inform you of its appeal process. You will have a minimum of 60 days to file your appeal with the Displacing Entity. Your appeal must be in writing.

If you are not satisfied with the Displacing Entity's final decision on your appeal, you may request an administrative review of that decision by writing to:

Bureau of Relocation
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114
Attention: Cindy Zabriskie, Director

If you are not satisfied with the final administrative decision on your appeal, you may seek review of the matter by the Superior Court.

RESIDENTIAL RELOCATION PROCESS FOR OWNERS AND TENANTS

